

<p>1     Q. I just have a couple questions based on what 2     your attorney asked you. 3         Is it your testimony that the bartenders 4     who were hired at the Champagne Bar and the Rose Club 5     when the hotel reopened who had not previously worked 6     at the Plaza Hotel did not know what a Bloody Mary 7     was? 8         A. Bloody Bull. Some drinks that are made 9     differently. 10      Q. But they knew what a Bloody Mary was; right? 11      A. Yes. 12      Q. Is it your testimony they didn't know what a 13     Manhattan was? 14      A. The standard -- the new standard at the 15     Plaza, the new ingredients which are put in, like, 16     bitter into the Manhattan, they made it differently, 17     and it is made with olive from Croatia which are black 18     olives, and have an infusion of alcohol. 19      Q. Am I correct that a classic Manhattan would 20     have bourbon, bitters and Vermouth and a maraschino 21     cherry? 22      A. We use black olives instead of the 23     maraschino. 24      Q. That's what the Plaza uses as a Manhattan? 25      A. Yes.</p>	<p>190</p> <p>1     people as bartenders, that supports your 2     discrimination claim. What I want to know is that you 3     were young and inexperienced when they hired you; 4     right? 5         A. Yes. That was a different time and different 6     managers at that time. More professional at that 7     time, more professional than some that have been 8     chosen. 9         Q. In your opinion, what's the most prestigious 10     bar to work at in New York City? 11      A. There's the Oak Bar, there's another one 12     Bellamen's Bar at the Carlyle Hotel. The Plaza has 13     one of the best, the Oak Bar. 14      Q. The Oak Bar? 15      A. Yes. It's prestigious. A lot of pictures, 16     as you can see. It has a mural of a horse's carriage, 17     big mural. It's fancy. 18      MR. McLANE: Thank you. 19      EXAMINATION 20     BY MR. ZAPATA: 21      Q. One last question. 22      When you were hired to work at the Plaza 23     and you were 26, were you hired to work as a front 24     bartender? 25      A. No. I started as a busboy. And from then, I</p>
<p>191</p> <p>1     Q. Do you know whether or not the bartenders 2     were the only job title to receive the option of 3     enhanced severance when the hotel closed in 2005? 4         A. No. All of the employees at the hotel. 5         Q. So all the job classifications at the hotel 6     received an option to take severance in lieu of their 7     recall rights; correct? 8         A. Yes, correct. 9         Q. And you testified that your basis for age 10     discrimination is that the bartenders who were hired 11     when the hotel reopened who were not recalled were 12     younger than you. When you were hired in 1988, you 13     were 26 years old; correct? 14         A. Yes. 15         Q. And you were young and inexperienced; 16     correct? 17         A. Yes, but I learned during the training. I 18     started from the bottom. 19         Q. Do you believe that when you were hired in 20     1988 as a 26-year-old at the Plaza, that because of 21     that, somebody else must have been discriminated 22     against who worked there? 23         A. Excuse me? 24         Q. What date are you referring to? You 25     testified that because they hired young, inexperienced</p>	<p>193</p> <p>1     escalated getting experience until they transferred me 2     to a higher position with more prestige, more money. 3         Q. How long did it take from the time that you 4     were hired for you to get promoted to the front bar 5     position? 6         A. Four or five years, because all the 7     bartenders were very young, almost of the same age and 8     no one leaves. It's one of the best jobs, more 9     desirable and good location in Manhattan and midtown. 10         Q. What year were you promoted to be a front 11     bartender? 12         A. In '96. 13         Q. So it took about eight years -- 14         MR. McLANE: Object to the form. 15         A. Yes. 16         MR. ZAPATA: No further questions. 17         (Time noted: 4:23 p.m.)</p>

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1 CERTIFICATION  
2  
34 I, MICHELLE GALLO, a Certified Court  
5 Reporter and Notary Public of the State of New Jersey,  
6 do hereby certify that the foregoing witness,  
7 CARLOS RIVERA, was duly sworn on the date indicated,  
8 and that the foregoing is a true and accurate  
9 transcription of my stenographic notes.10 I further certify that I am not employed  
11 by nor related to any party to this action.  
12  
13  
14  
15

 Michelle Gallo
16 MICHELLE GALLO, CCR  
17  
18  
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## 1 JURAT / ERRATA

2 I have read my testimony in the foregoing  
3 transcript and believe it to be true and correct  
4 to the best of my knowledge and belief with  
5 the following changes:

6 PAGE	7 LINE	8 CHANGE
9		
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19 WITNESS SIGNATURE DATE

20  
21 Sworn and subscribed to before me this  
22 \_\_\_\_\_ day of \_\_\_\_\_, 2011.23  
24 Notary Public of the  
25 State of \_\_\_\_\_



# Exhibit “B”

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

CARLOS RIVERA,

Plaintiff,

-against-

PLAZA ACCESSORY OWNER LP, EL-

AD PROPERTIES NY LLC, CPS

REALTY LP LLC, AND FHR (NY) LLC,

Defendants.

-----X

Civil Action No. 1:10-cv-06661 (WHP)

DEPOSITION of LIAM FLANAGAN, taken pursuant to Article 31 of the Civil Practice Law & Rules of Testimony, and Subpoena, held at the offices of Barrister Reporting Services, Inc., 120 Broadway, New York, New York, on March 3, 2011, at 10:13 a.m., before a Notary Public of the State of New York.

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BARRISTER REPORTING SERVICE, INC.

120 Broadway

New York, N.Y. 10271

212-732-8066

	Page 1		Page 3
1	UNITED STATES DISTRICT COURT	1	S T I P U L A T I O N S
2	SOUTHERN DISTRICT OF NEW YORK	2	
3	-----X	3	IT IS HEREBY STIPULATED AND AGREED by and
4	CARLOS RIVERA,	4	between the attorneys for the respective parties
5	Plaintiff,	5	herein, that filing, sealing and certification,
6	-against-	6	and the same are, hereby waived.
7	PLAZA ACCESSORY OWNER LP, EL-	7	
8	AD PROPERTIES NY LLC, CPS 1	8	IT IS FURTHER STIPULATED AND AGREED that all
9	REALTY LP LLC, AND FHR (NY)LLC,	9	objections except as to the form of the question,
10	Defendants.	10	shall be reserved to the time of the trial.
11	-----X	11	
12	Civil Action No. 1:10-cv-06661 (WHP)	12	IT IS FURTHER STIPULATED AND AGREED that the
13		13	within deposition may be signed and sworn to by an
14		14	officer authorized to administer an oath, with the
15	DEPOSITION of LIAM FLANAGAN, taken pursuant to	15	same force and effect as if signed and sworn to
16	Article 31 of the Civil Practice Law & Rules of	16	before the Court.
17	Testimony, and Subpoena, held at the offices of	17	
18	Barrister Reporting Services, Inc., 120 Broadway, New	18	
19	York, New York, on March 3, 2011, at 10:13 a.m., before	19	
20	a Notary Public of the State of New York.	20	Xxxxx
21	*****	21	
22	BARRISTER REPORTING SERVICE, INC.	22	
23	120 Broadway	23	
24	New York, N.Y. 10271	24	
25	212-732-8066	25	
	Page 2		Page 4
1	APPEARANCES:	1	L. FLANAGAN
2		2	LIAM FLANAGAN,
3	THE LAW OFFICES OF	3	Having first been duly sworn by a Notary
4	FAUSTO E. ZAPATA, JR., P.C.	4	Public of the State of New York, was
5	Attorneys for Plaintiff	5	examined and testified as follows:
6	277 Broadway, Suite 501	6	
7	New York, New York 10007	7	EXAMINATION BY
8	(212)766-9870	8	MR. ZAPATA:
9	BY: FAUSTO E. ZAPATA, ESQ.	9	Q Please state and spell your name for the
10		10	record.
11	LITTLER MENDELSON, P.C.	11	A Liam Flanagan. L-I-A-M.
12	Attorneys for Defendants	12	F-L-A-N-A-G-A-N.
13	One Newark Center, 8th Floor	13	Q What is your address?
14	Newark, New Jersey 07102	14	A It's 31-65 29th Street, Apartment B1,
15	(973)848-4700	15	Astoria, New York 11106.
16	BY: WILLIAM P. McLANE, ESQ.	16	Q Mr. Flanagan, good morning. Are you
17		17	currently employed?
18	ALSO PRESENT:	18	A Yes.
19		19	Q Where are you employed?
20	Carlos Rivera,	20	A Plaza Hotel.
21	Plaintiff	21	Q How long have you been employed at the
22		22	Plaza Hotel?
23		23	A Since October 1988.
24		24	Q Where is the Plaza located?
25		25	A It's on 59th Street and Fifth Avenue.

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1	L. FLANAGAN	1	L. FLANAGAN
2	Q When you were hired in October 1988,	2	A After they retired, then the senior
3	what position were you hired to work for?	3	service bartender gets that position in the
4	A I was hired originally as a bar-back.	4	front bar.
5	Q Can you please describe the duties of a	5	Q Did you ever -- from service bartender
6	bar-back?	6	you became the front bartender vacation
7	A Bar-back basically is there to help the	7	relief?
8	bartenders set up, get them supplies -- ice,	8	A Yes.
9	liquor, juices -- stuff like that.	9	Q And how long did you work in that
10	Q And when -- did your title ever change	10	capacity?
11	from a bar-back?	11	A As vacation relief?
12	A Yeah. After -- after about six months.	12	Q Yes, sir.
13	Q And it changed to what?	13	A It would be about a year, I would say.
14	A Service bartender.	14	Q And then did your title change?
15	Q Can you please describe the duties of a	15	A Yeah, when I became permanently, I
16	service bartender?	16	became a front bartender.
17	A Service bartender is basically somebody	17	Q Can you please describe the duties of a
18	who is at the back of the house, just there	18	front bartender?
19	for waiters who bring drinks to the guests in	19	A Front bartender is there to -- guests
20	the room.	20	from the street or hotel guests who come to
21	Q You say back of the house, what does	21	the bar, they want to have a drink, have a
22	that mean?	22	chat, watch the TV and just be, every day.
23	A That means you don't have any	23	Q Can you compare the duties of a front
24	interaction with the hotel guests. Like it's	24	bartender to that of a service bartender?
25	in the kitchen, the bar is situated, and then	25	A Just two basic differences, that the
	Page 6		Page 8
1	L. FLANAGAN	1	L. FLANAGAN
2	the waiters come to you to get drinks for the	2	front bartender, you're interacting with
3	people in the room.	3	people, with guests, and plus you're making
4	Q And do you receive tips for that	4	tips. Service bartender, you don't make any
5	position?	5	tips, so it's a difference in salary, more or
6	A No.	6	less.
7	Q How long did you work as a service	7	Q Is there any difference in status?
8	bartender?	8	A No -- a bartender is a bartender.
9	A Roughly about eighteen months.	9	Status is just that I suppose the difference
10	Q And then did your title change?	10	is your income. It is a status difference
11	A Yeah. I went to work in the front bar.	11	because if you're a front bartender it's
12	Q Can you please describe the duties --	12	part -- a better position than the service
13	let me withdraw that.	13	bar.
14	You went to work at the front bar in	14	Q It's considered a better position?
15	what capacity?	15	A Yeah.
16	A A -- to begin with it was vacation	16	Q By who?
17	relief, when the senior bartenders would go on	17	A Everybody -- hotel management,
18	vacation you would replace them, especially in	18	bartenders -- anybody who works in the
19	the summertime, and then if somebody retires	19	industry would say that to you.
20	you would go permanently to the front bar.	20	Q Now, you stated that you worked as --
21	Q And did that happen in your case, did	21	you started working as a front bartender --
22	somebody retire?	22	permanent front bartender -- actually, I
23	A Yes. I believe two guys retired.	23	didn't get the date. When did you start
24	Q And then what happened after they were	24	working as a permanent front bartender, if you
25	retired?	25	can ballpark it?

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1	L. FLANAGAN	1	L. FLANAGAN
2	A I would say if I was there '88,	2	resources and written up or anything like
3	probably -- probably '92, permanent.	3	that.
4	Q Now, how many front bars -- let me	4	Q But you have been spoken to by
5	withdraw that.	5	managers --
6	Can you please tell us what bars existed	6	A Yeah.
7	at the Plaza prior to 2005 -- withdrawn.	7	Q -- corrective, minor stuff?
8	Can you please tell us the names of the	8	A Yeah. Yeah.
9	bars that existed at the Plaza Hotel in 1992?	9	Q Do you know who Carlos Rivera is?
10	A Okay. We had the Oak Bar, Oyster Bar --	10	A Yes.
11	you want all front bars or every --	11	Q Can you tell us who he is?
12	Q Give me the front bars.	12	A (Indicating). He worked with me. He
13	A Okay. Front bars would have been the	13	came into the hotel after me, started off as a
14	Oak Bar and the Oyster Bar and -- yeah, that	14	bar-back. Probably followed the same pattern
15	would be it.	15	as me, was a service bartender and became
16	Q Were there any other types of bars?	16	front bartender.
17	A Yeah. We had a room service bar, Palm	17	Q How long have you known Carlos?
18	Court which would have been considered a	18	A Sixteen, seventeen years, I would say.
19	service bar as well. And we had the Edwardian	19	Q Can you please describe the
20	Room.	20	circumstances -- withdrawn.
21	Q So two service bars in 1992?	21	Now, when you worked as a service
22	A Two would have been the Palm Court and	22	bartender, what bar did you work at?
23	room service.	23	A Room service.
24	Q And did there -- after 1992 -- let's say	24	Q When you worked as a front bartender
25	in 2005, how many -- can you please tell us	25	vacation relief, where did you work?
	Page 10		Page 12
1	L. FLANAGAN	1	L. FLANAGAN
2	the service bars that existed at the Plaza?	2	A It was a combination, I worked in the
3	A At the time would have been the Palm	3	Oak Bar and the Oyster Bar.
4	Court and the service bar.	4	Q And between 1992 and 2005, where did you
5	Q And how about -	5	work as a front bartender?
6	A Just to -- sorry -- I don't know if it's	6	A My permanent position ended up being in
7	relevant but we had the Edwardian Room as	7	the Oyster Bar.
8	well, and it was a front bar but it was, like,	8	Q Have you ever worked with Carlos --
9	for guests who are waiting for a table, but	9	A Yes.
10	they wouldn't buy drinks at the bar, they	10	Q -- same bar?
11	would pay for them when they went to the	11	A Yes.
12	table -- I don't know if you would consider it	12	Q When?
13	a front bar or service bar.	13	A Carlos -- like when I became a front
14	Q Were there tips associated with working	14	bartender in the Oyster Bar, when the other
15	at the Edwardian Room?	15	guys would go on vacation, he would fill in
16	A No.	16	and work with me.
17	Q When you worked -- I guess during your	17	Q Can you give us a ballpark like what
18	tenure at the Plaza, have you ever been	18	timeframe?
19	subjected to any kind of performance	19	A The year? I would say probably '98,
20	evaluations?	20	maybe.
21	A No.	21	Q Do you know -- do you know what
22	Q Have you ever been disciplined?	22	positions Carlos has held during his
23	A No. I mean, I've been talked to like in	23	employment at the Plaza Hotel?
24	instances with managers if something, like,	24	A Yes.
25	happened with a guest, but never with human	25	Q Can you please tell us?

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1	L. FLANAGAN	1	L. FLANAGAN
2	A He was a service bartender, then he did	2	Q Paul Ing, do you know -- can you please
3	vacation relief, and he ended up as a	3	describe what he looks like?
4	permanent Oak Bar bartender.	4	A He's a small Asian looking guy, about
5	Q Do you know when he became a permanent	5	five-five.
6	Oak Bar bartender?	6	Q And in 2005, can you approximate how old
7	A I couldn't give you the date. I would	7	he was?
8	say -- I couldn't tell you really an exact	8	A Yeah. He was about sixty-five because
9	date.	9	he retired after, you know, when the hotel
10	Q Okay. Do you know if he was a permanent	10	closed.
11	Oak Bar front bartender in 2005?	11	Q Freddie, do you know -- can you describe
12	A Yes.	12	what Freddie looked like?
13	Q How about in 2004?	13	A Yeah. Freddie would basically -- I want
14	A Yes.	14	to say he looks the same, but he was about
15	Q 2003?	15	sixty-six, Chinese, five-foot-five, probably
16	A Yes. I would say he was at least there	16	smaller than me.
17	four or five years.	17	Q Do you know how old he was?
18	Q Four or five years --	18	A Yeah. About sixty-six, sixty-seven. He
19	A Oak Bar.	19	he retired as well. He was getting ready to
20	Q When you say four or five years, can you	20	retire anyway.
21	just tell us timeframe -- do you mean from	21	Q And how old are you today?
22	2005?	22	A I'm forty-four.
23	A Yeah, going backwards. Yeah, because we	23	Q And how about the Oak Bar, were you
24	closed in 2005, so I would say 2000 -- could	24	familiar with the front bartenders that worked
25	be even earlier.	25	at the Oak Bark in 2005?
1	L. FLANAGAN	1	L. FLANAGAN
2	Q 2000, possibly 2001?	2	A 2005, yeah. Because there was Jose
3	A Yes.	3	Arbonna, Orlando Rivera, Carlos would be
4	Q Do you know who was working at the	4	another one.
5	Oyster Bar as a front bartender in early 2005?	5	Q Carlos Rivera?
6	A Early 2005, it would have been me and	6	A Yes.
7	Chuck Litterhouse, and Paul Ing would have	7	MR. McLANE: Who was the first
8	been another guy, and there's -- there's a	8	guy?
9	Chinese guy, Freddie, I forgot his last name.	9	MR. ZAPATA: Jose.
10	Q That's it?	10	THE WITNESS: Arbonna.
11	A That would be it.	11	MR. ZAPATA: Arbonna.
12	Q Chuck Litterhouse, can you describe what	12	A Those three I remember. And there was a
13	he looks like?	13	Jose Jimenez but he was a bar-back.
14	A Yeah. I mean, he's white, American guy,	14	Q I'm going to show you this document that
15	curly hair, mustache -- he looks a little bit	15	I would like to have marked for identification
16	like Tom Selleck, actually.	16	as Exhibit 1 (handing).
17	MR. McLANE: Lucky him.	17	(Whereupon, the bartender and
18	Q About -- do you know how old he was in	18	bar-back schedule for the Plaza was
19	2005, roughly?	19	marked as Plaintiff's Exhibit 1 for
20	A Yeah. If I'm forty-four, he was	20	Identification.)
21	probably thirty-nine, forty.	21	Q Do you recognize the document that I've
22	MR. McLANE: That was 2005,	22	just given you that's just been identified as
23	right?	23	P1 for the record?
24	Q As of 2005, correct?	24	A Yes. It's the bartender and bar-back
25	A Yes.	25	schedule for the Plaza.

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1	L. FLANAGAN	1	L. FLANAGAN
2	Q Okay. Now, in -- the Oak Bar has some	2	Q Light brown. Rubin Smith, can you
3	names there.	3	describe what he looks like?
4	A Yes.	4	A Yeah. He's -- he's from Saint Thomas,
5	Q Rubin?	5	he's very dark skin, about five-nine.
6	A Rubin Smith.	6	Q Is he African American or of African
7	Q Do you know who Rubin is?	7	descent?
8	A Yes.	8	A He would be -- I mean, Saint Thomas --
9	Q Who is Rubin?	9	he would be African American if you saw him,
10	A Rubin -- he would have been the senior	10	you know, but he's from Saint Thomas --
11	bartender in the Oak Bar.	11	Q But he's of African descent?
12	Q And Jose M, do you know who that is?	12	A Yeah, yeah.
13	A Yes. Jose Mahia, yes.	13	Q About how old is he?
14	Q Sammie?	14	A Today he would be about sixty-eight, I
15	A Yes, Sammie.	15	would say. Maybe seventy.
16	Q Do you know who Sammie is?	16	Q Jose Mahia?
17	A Yes. Sammie retired.	17	A Jose Mahia, yeah. He's from Honduras,
18	Q Do you know who Victor is?	18	Spanish guy, light brown skin.
19	A Yes.	19	Q About how old was he in 2005, if you had
20	Q Who's Victor?	20	to ballpark it?
21	A Victor is a bartender. He used to be a	21	A He would have been about forty-four,
22	backup bartender so he's in the Oak Bar as	22	forty-five.
23	well.	23	Q Sammie, can you please describe what he
24	Q Now, Jose Arbonna, can you describe what	24	looks like?
25	he looks like?	25	A Thai, from Thailand, small, about
	Page 18		Page 20
1	L. FLANAGAN	1	L. FLANAGAN
2	A Yeah. He's about my height, my age.	2	five-two, gray hair. He was in his sixties as
3	Q How tall are you?	3	well because he retired right around the time
4	A Five-seven, so he would be my height.	4	it closed.
5	Tight haircut, Spanish.	5	Q And Victor?
6	Q Hispanic?	6	A Victor is a Filipino guy, black hair,
7	A Yeah.	7	dark skin, he's about five-two, smaller.
8	Q Do you know what color his skin is, if	8	Q Age?
9	you had to describe it?	9	A Victor would be in his mid-forties as
10	A It would be light, very light, close to	10	well, I would say.
11	mine.	11	Q Now, looking at the Oyster Bar, it says,
12	Q What color is your skin?	12	Felipe?
13	A White.	13	A Yes.
14	Q And Orlando Rivera, can you describe	14	Q Who is Felipe?
15	what he looks like?	15	A Felipe Pagani is -- the way -- if you
16	A Orlando is Spanish -- Puerto Rican,	16	look at the schedule the way it looks, it
17	actually. Black hair, mustache.	17	goes -- see the names, it goes by the senior
18	Q Do you know about how old he is?	18	guys is the top guys and then it goes down
19	A He would be in his -- now he would be	19	from there. Felipe would have been the senior
20	late fifties.	20	bartender in the Oyster Bar. He's Puerto
21	Q As of today?	21	Rican. He retired as well. He was in his
22	A Yeah.	22	sixties back then. Kind of bald.
23	Q Do you know -- can you describe the	23	Q Who color was his skin?
24	color of his skin?	24	A Kind of sallow -- kind of brown, light
25	A Yeah. It's light brown.	25	brown.

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1	L. FLANAGAN	1	L. FLANAGAN
2	Q Leo?	2	A April two oh five.
3	A Leo Angelias was a bar-back, so -- he	3	Q Do you know why it closed?
4	was Dominican Republican, I think, or Puerto	4	A Yes. It was somebody bought the
5	Rican. Brown skin. Light brown skin.	5	property and they were converting half of it
6	Q Age?	6	to condominiums, so there had to be, you know,
7	A Leo would be fifty, I would say.	7	construction work.
8	Q How about -- it says Yvenel?	8	Q At the time that the hotel closed, were
9	A Yvenel, yeah. He's black. He's a	9	you told anything with respect to your job?
10	Haitian -- Haitian guy. Dark skin.	10	A Yes. We had an option. We could have
11	Q How old?	11	took the -- we had two types of severance pay.
12	A He'd be close to forty-eight, fifty as	12	If you took two weeks severance pay you had no
13	well.	13	recall rights, and if you took one weeks
14	Q Forty-eight, fifty today or --	14	severance pay you had recall rights to your
15	A Today, yeah.	15	job. That's one week for every year you
16	Q Julio?	16	worked.
17	A Julio Montas, yeah. He was a bar-back	17	Q What option did you select?
18	as well. He's from Dominican Republic. He's	18	A I took the one week recall rights.
19	tall, about six-foot-two, I would say, black	19	Q What did you understand that to mean,
20	hair, mid-forties as well -- probably fifty	20	recall rights?
21	now.	21	A Recall rights is -- basically it goes on
22	Q What country?	22	seniority, and when you go back to work
23	A Dominican Republic.	23	whoever is the senior guy, you know, you get
24	Q Wahid?	24	to pick whatever front bar you want to work
25	A Wahid is an Indian guy, dark brown skin,	25	first.
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1	L. FLANAGAN	1	L. FLANAGAN
2	about my height. He'd be probably fifty	2	Q And how did you learn about the recall
3	today. From Guyana, actually.	3	rights?
4	Q Now, looking at the list where it says	4	A Well, we had -- you know, we had -- the
5	Oyster Bar on the document that's been	5	union would come in and we'd -- they'd set up
6	identified as P1, can you tell us on the list	6	meetings and tell us how things would
7	under Oyster Bar which of those individuals	7	progress, and then when we closed down, on a
8	are front bartenders?	8	yearly basis they would, you know, call a meet
9	A Felipe, myself, Yvenel, Paul, Wahid.	9	and say this is what's going on right now, and
10	Q Looking at the Oak Bar list in the	10	they'd call us and say you're going to be
11	document that's been identified for the record	11	called back on such a date to work.
12	as P1, can you identify individuals that are	12	Q Did anybody from the Plaza tell you that
13	front bartenders on that list?	13	you had recall rights?
14	A All of them. You want me to name them	14	A Management-wise?
15	all?	15	Q Yes.
16	Q If all of them, you've identified them.	16	A Yes. I got a call from Rajan Lai.
17	And just to be clear, you stated that this	17	Q Can you spell that, if you know?
18	document was a schedule?	18	A R-A-J-A-N, and Lai is L-A-I -- roughly.
19	A Yes.	19	And he would have been the human resources
20	Q Do you know when the schedule was in	20	director of the Plaza.
21	effect, approximately?	21	Q So you received a call from the human
22	A March 2005.	22	resources director when?
23	Q Now, you testified a little while ago	23	A I think that would have been in
24	that the hotel closed -- when did the hotel	24	February two oh eight.
25	close?	25	Q And what did he say to you regarding

	Page 25		Page 27
1	L. FLANAGAN	1	L. FLANAGAN
2	recall rights?	2	then the hotel, they owned all the good bars,
3	A Basically he left a message on my phone	3	all the outlets so --
4	and said you only took one weeks severance	4	Q Just to be clear, when you say back
5	pay, we're giving you notification if you want	5	then, what are you referring to?
6	to come back to work, let us know, call me	6	A Two oh five, before we closed down. So
7	back at this number.	7	what would happened is if I ran out of a
8	Q Did you speak to him?	8	bottle of vodka, I could go to Carlos in the
9	A No.	9	Oak Bar and get a -- borrow one from him, you
10	Q What did you do in response to receiving	10	know, or vice versa, so I would see him.
11	that message?	11	Q And how many times -- I mean, could you
12	A Well, I called human resources, and I	12	please characterize how often you would work
13	got some Martus (phonetic) lady on the phone,	13	side by side with Carlos?
14	and I told her that I was coming back and they	14	A Side by side, me and Carlos, we would
15	sent out a letter then.	15	work together over -- for weeks over summers,
16	Q And did you come back?	16	you know, when he would come up and do
17	A I did.	17	vacation relief.
18	Q Now, during your tenure with the Plaza	18	Q So it's fair to say you had the
19	beginning on 1992 when you became a front	19	opportunity to observe him perform his job
20	bartender, did you receive any training from	20	duties?
21	the Plaza Hotel?	21	A Yes.
22	A No.	22	Q What, if anything, did you observe about
23	Q Were you given any materials to review	23	how Carlos Rivera performed his job duties as
24	to help you --	24	a front bartender at the Plaza prior to 2005?
25	A No.	25	A I enjoyed working with Carlos. He's
	Page 26		Page 28
1	L. FLANAGAN	1	L. FLANAGAN
2	Q -- do your job?	2	very good with customers. You know, he would
3	A No. Basically how it works is that you	3	be better like -- say, when it's busy, I would
4	were a service bartender and you went up to	4	take the service end, he would be more
5	the front bar, the experienced guy up there	5	engaging with the customers than me. So yeah,
6	would just show you the way. You knew the	6	he did his duties, but it's a fairly simple
7	drinks already anyway, but he'd -- you know,	7	job.
8	he would show you the outfit, how -- where	8	Q To you. How would you describe Carlos
9	things are, and that was how it was done.	9	Rivera's interaction with customers at the
10	Q So after you became a front bartender	10	bar -- at the front bar when you worked with
11	you received no training from the Plaza Hotel?	11	him prior to 2005?
12	A No.	12	A He's good. People like him. He's very
13	Q During your tenure at the Plaza prior to	13	engaging.
14	2005, did you ever have occasion to observe	14	Q All right. Let's talk about when you
15	Carlos Rivera while he was working?	15	came back to the hotel after being recalled.
16	A Yes.	16	Just to be clear, when did you return to the
17	Q Can you characterize how often?	17	hotel after being recalled?
18	A I mean, worked alongside me or just --	18	A I think it was -- it was either
19	Q Just observed?	19	February 11th or February 14th.
20	A Observed -- few days a week for years.	20	Q Just to be clear, when I say the hotel,
21	Q And just to be clear, you observed --	21	I'm referring to Plaza Hotel.
22	observed him working as a front bartender --	22	A The Plaza.
23	A Yes.	23	Q When you came back to the hotel in
24	Q -- a few days a week for years?	24	February 2008, can you please tell us --
25	A Yes. Well, what would happen is back	25	describe to us your first day of work?

<p style="text-align: right;">Page 29</p> <p>1                   L. FLANAGAN</p> <p>2 A Well, what happened because I was the 3 senior bartender I was called back a week 4 before these other bartenders. So they called 5 back the Palm Court crew first because they 6 were going to try to open that restaurant 7 first. So the first day we did orientation, 8 and then we worked for a week, and then they 9 brought in the rest of the crew for the 10 Champagne Bar and the Rose Club.</p> <p>11 Q Okay. When you returned to work that 12 first week, did you see Carlos Rivera?</p> <p>13 A No.</p> <p>14 Q Were there any front bartenders that had 15 worked at the Plaza in 2005 that you saw your 16 first week back in February 2008?</p> <p>17 A No. I was the only bartender inhouse 18 that day.</p> <p>19 Q Can you please describe the training 20 that you received, orientation?</p> <p>21 A Well, basically what happened for us 22 when we -- when the first week back or the 23 whole process for the three weeks of training?</p> <p>24 Q Let's do the first -- let's do the 25 three weeks.</p>	<p style="text-align: right;">Page 31</p> <p>1                   L. FLANAGAN</p> <p>2 A The front bar would have been the Rose 3 Club and the Champagne Bar.</p> <p>4 Q And the service bars?</p> <p>5 A Service bar would have been the Palm 6 Court.</p> <p>7 Q So you --</p> <p>8 A Sorry. The Oak Bar is still there but 9 it's not part of the hotel -- a private 10 company owns it now.</p> <p>11 Q So it's no longer on part of the Plaza 12 Hotel?</p> <p>13 A Yeah.</p> <p>14 Q Now, you testified just now that you 15 learned after being recalled in February 2008 16 that you were going to be assigned to work at 17 the Palm Court?</p> <p>18 A Yes.</p> <p>19 Q And what position would you hold -- let 20 me withdraw that.</p> <p>21 In what capacity were you told you were 22 going to be working at the Palm Court?</p> <p>23 A Well, when I went there and then these 24 other guys were recalled to work and some of 25 my old colleagues servers were training in the</p>
<p style="text-align: right;">Page 30</p> <p>1                   L. FLANAGAN</p> <p>2 A Basically the bars weren't constructed 3 yet to train behind, so what we did basically 4 for three weeks as bartenders, we -- to keep 5 us occupied we trained as servers, including 6 the bartenders.</p> <p>7 Q Just to be clear, when you say we 8 trained, who are you referring to?</p> <p>9 A Well, I would say talking -- would be 10 me, Carlos, Evelio Tejada, and the new hires 11 as I would call them.</p> <p>12 Q So the new hires, in addition to Evelio 13 Tejada, Carlos Rivera, and yourself -- you 14 were trained servers; is that what you're 15 saying?</p> <p>16 A Yes.</p> <p>17 Q Okay. What else?</p> <p>18 A Yeah. And then from my -- my own 19 instance was that the manager told me that I 20 was going to be working in the Palm Court as a 21 service bartender.</p> <p>22 Q Just to be clear, when the hotel -- the 23 Plaza Hotel reopened in February of 2008, can 24 you please state for the record the names of 25 the front bars?</p>	<p style="text-align: right;">Page 32</p> <p>1                   L. FLANAGAN</p> <p>2 Champagne Bar and the Rose Club, I questioned 3 it, I said, you know, I'm supposed to be a 4 front bartender, I've been a front bartender 5 for years. So the manager at the time, Bjorn, 6 who is the manager of Palm Court, he said he 7 would go to human resources and find out --</p> <p>8 Q Let's back up. I'm -- I guess what I 9 want to know is, you were told that you were 10 going to be working at the Palm Court by the 11 Plaza Hotel, correct?</p> <p>12 MR. McLANE: Objection to form. 13 You can answer.</p> <p>14 A Yes.</p> <p>15 Q Who told you, you were going to be 16 working at the Palm Court?</p> <p>17 A Anthony Evangelista.</p> <p>18 Q And who is he?</p> <p>19 A He was the manager of the Rose Club and 20 Champagne Bar.</p> <p>21 Q And what position were you told that you 22 would be working in at the Palm Court?</p> <p>23 A Palm Court is service bartender.</p> <p>24 Q So you would be working as a service 25 bartender?</p>

	Page 33		Page 35
1	L. FLANAGAN	1	L. FLANAGAN
2	A Yes.	2	Q Tell us everything you said.
3	Q And was that acceptable to you?	3	A Okay. I said to him basically that I
4	A No.	4	worked in the hotel so long, I'm a front
5	Q Why not?	5	bartender here, I'm seniority, I'm supposed to
6	A Because I'm a front bartender. I've	6	be working the front bar. And he said -- he
7	been a front bartender for years, and I was	7	told me, I'll go to human resources and I'll
8	told, you know, by the union and at the hotel	8	find out, I'll ask. So he went down and he --
9	before we left that I would be a -- when I	9	he asked Rajan Lai, and Rajan said if it's
10	came back I would be a front bartender.	10	correct what I say, I will be working the
11	Q You said you were told by the hotel	11	front bar.
12	before you left --	12	Q Anything happen after that?
13	MR. McLANE: And the union, he	13	A Yeah. I went down to see Rajan myself,
14	said.	14	and he said, yes, you're entitled to work the
15	A And the union.	15	front bar.
16	Q You were told by the hotel before you	16	Q When did you meet with Mr. Lai?
17	left -- and when you say before you left, what	17	A The day I told Bjorn, which would be
18	timeframe are you talking about?	18	back in the hotel about a week then, I told
19	A Well, if we closed down in April two oh	19	Bjorn, and he said, yes, he's going to look
20	five, it was sometime in April.	20	into it, and if the facts are correct, you
21	Q In April 2005, you were told by the	21	will be put behind the front bar.
22	hotel that you would return as a front	22	Q And then you spoke to Mr. Lai at some
23	bartender?	23	point after that?
24	A Yeah.	24	A Yes.
25	Q Who told you from the hotel, if you	25	Q Shortly thereafter?
	Page 34		Page 36
1	L. FLANAGAN	1	L. FLANAGAN
2	remember?	2	A Yeah. Probably the next day.
3	A I can't remember his name. Could have	3	Q And how did you end up speaking to him?
4	been Tom Norberg if he was there. He was the	4	A I just went -- you know, it's an open
5	manager. Tom Norberg, N-O-R-B-E-R-G. I think	5	door policy, human resources --
6	it was him.	6	Q You went to human resources?
7	Q Do you know what position he held?	7	A Yes.
8	A He would have been the beverage manager.	8	Q And just to be clear, what -- at that
9	Q So after you learned that your employer	9	time when you went to go speak to Mr. Lai in
10	was assigning you to work at the Palm Court as	10	February 2008, what position did Mr. Lai hold?
11	a service bartender, did you do anything?	11	A He was human resources director.
12	A Yes. I told the manager in the Palm	12	Q Okay. Now, when you went to go speak to
13	Court about --	13	Mr. Lai, what did you say to him?
14	Q Which manager?	14	A I told him exactly what I told Bjorn
15	A Bjorn is his name. I don't know his	15	about seniority, about working for the hotel
16	last name.	16	for so long in the front bar.
17	Q Bjorn?	17	Q What did you tell him about seniority?
18	A Yeah.	18	A I told him that, you know, the policy is
19	Q Okay. Continue.	19	that if you have seniority, especially when
20	A And I told him the situation, he said	20	you're number one at seniority, you get to
21	he'd go down to --	21	pick which bar you work in and your schedule,
22	Q When you say told him the situation, can	22	more or less, what days off you have.
23	you just please for the record state what --	23	Q Did you tell him anything else?
24	A I explained to him about seniority	24	A Yeah. Basically I told him, you know,
25	rights -- front bartender, service bartender.		this is the situation, and he said, you're

1                   L. FLANAGAN  
 2 right, you're correct, I just have to look at  
 3 your file and get back to you later on in the  
 4 afternoon, and he did, and he came up and he  
 5 said, yeah, a couple days time you'll work in  
 6 the Rose Club, Champagne Bar -- or train, we  
 7 weren't opened yet.  
 8 Q So when the hotel -- I guess, the --  
 9 when the Rose Club opened up for the first day  
 10 when it opened up to the public, were you  
 11 working there?  
 12 A Yes. What happened first is the  
 13 Champagne Bar opened the first of March,  
 14 actually, two oh eight, the Rose Club didn't  
 15 open for another month after that. So the  
 16 bartenders, we kind of worked in the Champagne  
 17 Bar and on the floor for that time.

18                  MR. McLANE: I'm sorry, when did  
 19 you say Rose Bar opened?

20                  THE WITNESS: April.

21 Q I want to show you this document that I  
 22 would like to have it marked for  
 23 identification as P2.

24                  (Whereupon, a the Rose Club and  
 25 Champagne Bar schedule was marked as

1                   L. FLANAGAN  
 2 Plaza Hotel?  
 3 A Yes.  
 4 Q Do you know why he no longer works  
 5 there?  
 6 A Yeah. I mean, he was having issues with  
 7 the beverage -- the food and beverage  
 8 director, and you know, it was coming to a  
 9 head so he resigned.  
 10 Q Do you know when he started working at  
 11 the Plaza Hotel?  
 12 A February.  
 13 Q February of what year?  
 14 A Two oh eight.  
 15 Q Do you know where he worked?  
 16 A Rose Club, Champagne Bar.  
 17 Q Did you ever have occasion to speak to  
 18 Mr. Kenyon?  
 19 A Yes.  
 20 Q Did you ever learn as to what his prior  
 21 experience was working as a bartender?  
 22 A Yeah. He worked in a place called Gin  
 23 Lane which was -- Anthony Evangelista was one  
 24 of the owners. That would have been our --  
 25 the manager of Rose Club and Champagne Bar, so

1                   L. FLANAGAN  
 2 Plaintiff's Exhibit 2 for  
 3 Identification.)  
 4 Q Please review the document that I've  
 5 just given you. It's been identified for the  
 6 record as P2. After you finish reviewing that  
 7 document, please look up at me. Do you  
 8 recognize the document I've just given you?  
 9 A Yes.  
 10 Q What do you recognize this to be?  
 11 A It's the Rose Club and Champagne Bar  
 12 schedule.  
 13 Q How do you recognize it?  
 14 A I can tell by the names, and it states  
 15 Rose Club, Champagne Bar.  
 16 Q Do you know who Robert Kenyon is?  
 17 A Yes.  
 18 Q Can you tell us who he is?  
 19 A He's a former bartender in the Rose  
 20 Club, Champagne Bar.  
 21 Q Can you please describe what he looked  
 22 like?  
 23 A He was a white American, about six-foot,  
 24 twenty-six years of age.  
 25 Q You state he no longer works at the

1                   L. FLANAGAN  
 2 that closed down, a receivership, so when  
 3 Anthony came back to the Fairmont -- to the  
 4 Plaza, he gave Rob a job.  
 5 Q Do you know how long he had been the  
 6 bartender?  
 7 A No, I can't tell.  
 8 Q Did you have -- ever have an opportunity  
 9 to observe him work?  
 10 A Yes.  
 11 Q Can you please describe what you  
 12 observed about the way in which he worked?  
 13 A He was a good bartender, he was  
 14 knowledgeable, efficient, nice to the  
 15 customers.  
 16 Q You say that he had problems at work?  
 17 A Yeah. There was -- there was -- I  
 18 think it was more of a personality thing than  
 19 any issues, and this guy, he was late a few  
 20 times, he was written up, and -- it just was  
 21 wasn't going to well for him in there, you  
 22 know, the -- so he was going to try something  
 23 else.  
 24 Q So he got written up for being late?  
 25 A Yeah.

<p style="text-align: right;">Page 41</p> <p>1                   L. FLANAGAN</p> <p>2 Q Do you know if he had any other 3 disciplinary problems?</p> <p>4 A Yeah. I think his girlfriend was in 5 there one day at the bar, you know, and the 6 manager observed it. You know, she was having 7 a drink at the bar, talking to him -- so he 8 got written up for that as well.</p> <p>9 Q Was he accused of anything?</p> <p>10 A He was accused of giving a free drink.</p> <p>11 Q How about Prather Remm?</p> <p>12 A Prather Remm, yeah.</p> <p>13 Q Do you know who Prather Remm is?</p> <p>14 A Yes.</p> <p>15 Q Can you please tell us who?</p> <p>16 A She was a -- a bit of history behind 17 her. She's the first female bartender ever in 18 the Plaza Hotel. And she was what you call a 19 new hire as well.</p> <p>20 Q Do you know about how old she was, 21 approximately?</p> <p>22 A She was twenty-nine, thirty.</p> <p>23 Q Do you know what color skin she had?</p> <p>24 A White.</p> <p>25 Q Did you ever have -- withdrawn.</p>	<p style="text-align: right;">Page 43</p> <p>1                   L. FLANAGAN</p> <p>2 A Yes.</p> <p>3 Q How would you describe the way she 4 worked?</p> <p>5 A She was a lovely person. She was great 6 with guests, but she -- for me as a bartender, 7 she was a bit inexperienced.</p> <p>8 Q Why do you say she was inexperienced?</p> <p>9 A I could tell by the way she -- you know, 10 she left things around the bar, you know, the 11 way the bar -- you're supposed to put 12 everything in its right place for the next guy 13 coming in, you know, so everything can run 14 smoothly. She was kind of erratic where she 15 put stuff. She was a lovely person, but she 16 was just inexperienced.</p> <p>17 Q Do you know if she had worked as a 18 bartender before working at the Plaza Hotel?</p> <p>19 A She mentioned a place to me, but it 20 wouldn't have been a hotel or a sophisticated 21 bar. Maybe in a regular, you know, what we 22 call beer and shot joints, you know, just a 23 regular pub or something. I forgot the name, 24 though.</p> <p>25 Q You said sophisticated, what do you mean</p>
<p style="text-align: right;">Page 42</p> <p>1                   L. FLANAGAN</p> <p>2 Do you know if she still works at the 3 Plaza Hotel?</p> <p>4 A No.</p> <p>5 Q Do you know why she no longer works 6 there?</p> <p>7 A She was always late. So she was getting 8 written up and they let her go.</p> <p>9 Q Did you ever have an opportunity to 10 observe her working?</p> <p>11 A Yes.</p> <p>12 Q Do you know where she worked, which bar?</p> <p>13 A Rose Club and Champagne Bar. We usually 14 fluctuate between two, most people.</p> <p>15 Q Now, are you familiar with her prior 16 experiences as a bartender?</p> <p>17 A No.</p> <p>18 Q Can you please describe -- let me 19 withdraw that.</p> <p>20 You stated that you had an opportunity 21 to observe Ms. Remm work at the Plaza Hotel, 22 correct?</p> <p>23 A Yes.</p> <p>24 Q And you saw her -- you observed her 25 working as a front bartender?</p>	<p style="text-align: right;">Page 44</p> <p>1                   L. FLANAGAN</p> <p>2 by that?</p> <p>3 A You're paying twenty-two dollars for a 4 vodka. You know, top-end hotels where they 5 have their, you know, specialty cocktails, 6 where people want to know different drinks, 7 different wines, whereas if you go to a 8 regular bar they just want a beer and a shot.</p> <p>9 Q How would you describe the front bars at 10 the Plaza Hotel in 2008?</p> <p>11 A It was a work in progress. You know, we 12 were rushing to get open, the bars weren't 13 finished, we were still doing construction, so 14 it was a bit of -- bit of mayhem.</p> <p>15 Q After the bars opened up in 2008, how 16 would you describe the type of bars that were 17 at the Plaza Hotel?</p> <p>18 A The Rose Club would be described as a 19 cocktail lounge, you know, we'd have specialty 20 cocktails, and the Champagne Bar more or less 21 was supposed to be, you know, just basic wines 22 and champagnes.</p> <p>23 Q Would you consider these sophisticated 24 bars?</p> <p>25 A The Rose Club, yes.</p>

	Page 45		Page 47
1	L. FLANAGAN	1	L. FLANAGAN
2	Q How about the Champagne Bar?	2	Q About how old?
3	A Champagne Bar not so much because it's	3	A Sean is thirty-two.
4	basic. It's mostly wine and champagne and the	4	Q Do you know of his experience as a
5	odd cocktail, you know.	5	bartender prior to working at the Plaza Hotel?
6	Q Do you know Heather Buesing is?	6	A Yeah. Sean worked in Birdland. It's a
7	A Yes.	7	jazz club, Broadway and 48th Street.
8	Q Who is she?	8	Q And just to be clear, he worked -- which
9	A She's a bartender at the hotel.	9	bars did he work at?
10	Q Is she still working there?	10	A Rose Club, Champagne Bar.
11	A Yes. Actually she worked in the hotel	11	Q He still works at those --
12	before -- prior -- before we closed down. We	12	A Yes.
13	had CPS 1 which was the former Edwardian Room,	13	Q Do you know who Laura Schweitzer is?
14	it was a private concession as well, so she	14	A Yes. She's currently a bartender at the
15	worked in a bar in the hotel but not for the	15	hotel. She actually worked in CPS 1 with
16	hotel.	16	Heather.
17	Q Was she considered the new hire in 2008?	17	Q Do you know when she started working for
18	A Yes. She started in March.	18	the Plaza Hotel?
19	Q Can you please describe the color of her	19	A If Heather was in March, probably late
20	skin?	20	April. She started as a server and then
21	A She's white.	21	transferred over to bartender.
22	Q Do you know about how old she was?	22	Q April of what year?
23	A Heather is about thirty-one, thirty-two.	23	A Two oh eight.
24	Q Are you familiar with her experience	24	Q Do you know what color skin she has?
25	working as a bartender prior to 2008?	25	A White.
	Page 46		Page 48
1	L. FLANAGAN	1	L. FLANAGAN
2	A Yes. Because she would have been in	2	Q Do you know about how old she is?
3	CPS 1 which would have been in the hotel.	3	A She's thirty.
4	She'd been a good bar -- she's a good	4	Q Are you familiar with the work -- her
5	bartender.	5	work experience as a bartender prior to
6	Q But prior to 2008, she had never worked	6	working at the Plaza in April 2008?
7	for the Plaza --	7	A Yeah. She's worked in CPS 1 as a
8	A For the Plaza itself, no.	8	bartender as well.
9	Q Do you know who Sean O'Toole is?	9	Q Do you know for how long?
10	A Yes.	10	A No.
11	Q Who is Sean O'Toole?	11	Q Do you know who Miguel Aranda is?
12	A He's an Irish American guy.	12	A Yes.
13	Q How do you know him?	13	Q Who is Miguel Aranda?
14	A He bartends with me in the hotel.	14	A Miguel Aranda was a bartender. He
15	Q Does he still work there?	15	didn't work there that long, actually. He
16	A Yes.	16	came on board I would say late summer of 2008.
17	Q Do you know when he started working at	17	Q Can you please -- can you tell us about
18	the Plaza Hotel?	18	how old he was and --
19	A Sean came on board, I would say, it	19	A I would say Miguel is about
20	would be later on, maybe in summer, June or	20	mid-thirties.
21	July.	21	Q Do you know what color skin he has?
22	Q Of what year?	22	A Brown.
23	A Two oh eight.	23	Q I'm going to show you this document I
24	Q Do you know who color skin he has?	24	would like to have marked as P3.
25	A He's white.		(Whereupon, a housekeeping

	Page 49		Page 51
1	L. FLANAGAN	1	L. FLANAGAN
2	department weekly schedule was marked	2	came with Anthony Evangelista as well, and he
3	as Plaintiff's Exhibit 3 for	3	was an assistant manager at Gin Lane, so I
4	Identification.)	4	don't know if he bartended or not, but he just
5	Q Do you recognize the document that I've	5	told me he was a manager there.
6	just given you that's been identified for the	6	Q Did you ever have an opportunity to
7	record as P3?	7	observe him work?
8	A I think so, yeah. I think it's a	8	A Yes.
9	training schedule. You know, when we started	9	Q How would you describe -- let me
10	training before the room open. That's what it	10	withdraw that.
11	looks like to me. Yeah.	11	How would you characterize the way he
12	Q Do you know who Jamiyia Westcott is?	12	worked?
13	A Yeah. She was a new hire. She was	13	A He was okay. You know, he could
14	hired as a bartender.	14	bartend, but he needed a bit more experience.
15	Q Did she work as a bartender?	15	Q So he didn't have --
16	A She ended up working in the Palm Court	16	A He wouldn't have had the experience that
17	for a little bit.	17	the other guys had behind the bar.
18	Q And you said she was hired as a	18	Q Why do you say that he had limited
19	bartender -- front bartender or service	19	experience?
20	bartender?	20	A Well, at the Champagne Bar it's okay
21	A Initially I believe front bartender, but	21	because it's fairly straight forward, but say,
22	she had no experience whatsoever so somebody	22	in the Rose Club when you're busy, you know,
23	noticed and put her in the Palm Court.	23	he got a little flustered, you know, he wasn't
24	Q Can you describe what she looks like?	24	used to the heavy flowing, you know.
25	A She'd be young, twenty-four, tall,	25	Q Do you know if Mr. Teague still works at
	Page 50		Page 52
1	L. FLANAGAN	1	L. FLANAGAN
2	African American, light skin, brown skin.	2	the Plaza Hotel?
3	Q Do you know who Scott Teague is?	3	A No.
4	A Yes.	4	Q Do you know why he no longer works
5	Q Who is Scott Teague?	5	there?
6	A Scott was hired as a bartender, a new	6	A He got fired.
7	hire, for the Champagne Bar, Rose Club.	7	Q Do you know why he got fired?
8	Q Do you know -- when you say he's a new	8	A He give -- some guy who's a chef with
9	hire, what do you mean -- in 2008?	9	him before, he give him a drink on the house
10	A Yes. He would come in as -- in February	10	and the manager observed it.
11	as well, 2008.	11	Q Is there a policy against -- let me
12	Q Do you know in what capacity he was	12	withdraw that.
13	hired to work in?	13	Is there a policy regarding giving free
14	A Bartender.	14	drinks at the Plaza Hotel that was in effect
15	Q Front bartender?	15	after 2008?
16	A Front bartender.	16	A Yes. What you could do is you could say
17	Q But do you know about how old Mr. Teague	17	to the manager, listen, this is a regular
18	is?	18	customer, I would like to buy him a drink on
19	A I believe twenty-four, twenty-five.	19	the house, but you have to get permission
20	Q Do you know what color skin he has?	20	first -- or if the manager isn't there, you
21	A White.	21	tell him, you know, later.
22	Q Did you ever learn what, if any,	22	Q Do you know who Eric Smades is?
23	experience Mr. Teague had as a bartender prior	23	A Yes. He was a new hire as well. He
24	to working at the Plaza in 2008?	24	came in, in February to front bartender.
25	A No. I know he told me -- because he	25	Q Can you tell us about how old he was?

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1	L. FLANAGAN	1	L. FLANAGAN
2	A He would be early thirties.	2	A No.
3	Q Do you know what color skin he had?	3	Q Laura Schweitzer?
4	A He was white.	4	A She had brown eyes, brown hair.
5	Q Were you -- did you ever come to learn	5	MR. McLANE: I'm detecting a
6	what his experience was working as a bartender	6	pattern here.
7	prior to working at the Plaza in 2008?	7	THE WITNESS: I was going to
8	A Yes. He -- he worked at some good spots	8	say.
9	in the city, actually. He was a good	9	MR. McLANE: You know the eyes
10	bartender. Because he worked -- the chef at	10	of the females but none of the males.
11	the time, Didier Virot, he worked with him in	11	Q How about Miguel Aranda?
12	one of his restaurants, so he brought him up	12	A Brown hair.
13	to the hotel.	13	Q Scott Teague?
14	Q Do you know if Mr. Smades still works at	14	A He had brown hair too.
15	the Plaza Hotel?	15	Q I'm going to assume you don't know what
16	A No.	16	color his eyes are. Eric Smades?
17	Q Do you know why he no longer works	17	A Brown hair as well.
18	there?	18	(Whereupon, an off-the-record
19	A Yes. Yeah. One night we had an	19	discussion was held.)
20	incident where somebody -- you know, we were	20	(Whereupon, a short break was
21	kind of running the Rose Club as a nightclub.	21	taken.)
22	When you do that, you kind of keep the drinks	22	(Whereupon, a portion of the
23	basic, you don't make fancy cocktails because	23	testimony was read back.)
24	there's too many people, and somebody asked	24	Q Laura Schweitzer, do you know if her
25	for a mojito and he refused to make it because	25	name changed?
	Page 54		Page 56
1	L. FLANAGAN	1	L. FLANAGAN
2	he was too busy, and he had an altercation	2	A Yes. She got married. It's Royer now.
3	with the manager and he had an altercation	3	Q I'm going to show you this document that
4	with him before so the next day they brought	4	I would like to have marked for identification
5	him to human resources and they fired him.	5	as P4. Please review that document.
6	Q When you say altercation, what do you	6	(Whereupon, the Plaza bartender
7	mean?	7	seniority list was marked as
8	A Verbal argument.	8	Plaintiff's Exhibit 4 for
9	Q Okay. I'm going to go back a little.	9	Identification.)
10	Robert Kenyon, what color hair did he have?	10	Q Do you recognize the document that I've
11	A I would say black.	11	just given you that's been marked for
12	Q Do you know what color eyes he had?	12	identification as P4?
13	A No.	13	A Yes.
14	Q How about Prather Remm, do you know what	14	Q What do you recognize this document to
15	color hair she had?	15	be?
16	A She had blond, blue eyes. Scandinavian,	16	A It's a seniority bartender list.
17	I suppose.	17	Q How do you recognize it?
18	Q How about Heather Buesing?	18	A By the names and the dates on it.
19	A Yeah. She was the same, she was blond	19	Q Does this document appear to be accurate
20	and blue eyes as well. She's Norwegian	20	as far as you know?
21	descent.	21	A Yes. Well, I mean -- I mean, it's minor
22	Q Sean O'Toole?	22	but Sean would be senior to Laura because
23	A He had brown hair.	23	Laura's -- that's her hire date, but she was
24	Q Do you know what color eyes by any	24	hired as a server not a bartender, so I mean,
25	chance?	25	Sean would be senior to her because it goes by

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1	L. FLANAGAN	1	L. FLANAGAN
2	position.	2	bar. That was kind of like the engine room
3	Q Seniority goes by position?	3	for the bartenders in the hotel, you know, you
4	A Yeah. Like if you're a bartender -- you	4	pass by there every day, look at the
5	know, it doesn't go by how long you were in	5	schedule --
6	the business. I mean, you could be, like, a	6	Q Where would it be physically?
7	bar-back for ten years and then become a	7	A Physically it would be in the basement
8	bartender, but a guy who's there two years	8	of the hotel in the old kitchen.
9	and, you know, is a bartender, if he's a	9	Q On a wall --
10	bartender before you he has seniority.	10	A On a wall, yeah. Inside a glass case.
11	Q Do you know who Kenny Okatami is?	11	Q I'm going to show you what's already
12	A Who?	12	been identified as P1 (handing). Is that the
13	Q Kenny Okatami?	13	kind of schedule you're referring to?
14	A No.	14	A Yes.
15	Q Do you know who David Jones is?	15	Q Thank you.
16	A Yes. He would have been assistant human	16	A (Handing).
17	resources director.	17	Q Now, prior to testifying at the
18	Q When?	18	arbitration -- at the arbitration in
19	A He would been there in the old Plaza,	19	connection with P3, had you ever discussed
20	back in 2005.	20	with Carlos Rivera why he filed the grievance?
21	MR. McLANE: I'm sorry, what was	21	A Yes. Numerous occasions.
22	the name?	22	Q What did he tell you?
23	THE WITNESS: David Jones.	23	A Basically what happened was after my
24	Q I'm going to show you this document that	24	situation --
25	I would like have marked for identification as	25	Q When you say your situation, what do you
	Page 58		Page 60
1	L. FLANAGAN	1	L. FLANAGAN
2	P5 (handing).	2	mean?
3	(Whereupon, a packet of	3	A When they put me in the Palm Court and I
4	documents was marked as Plaintiff's	4	went to human resources to rectify it, then
5	Exhibit 5 for Identification.)	5	Carlos and Evelio the following week did the
6	Q Do you recognize that document --	6	same procedure -- went down and told them the
7	A Yes.	7	same story exactly, and they came back to them
8	Q -- that I've just given you?	8	and said, no, you're service bartenders.
9	A Yeah.	9	Q What did -- did Carlos ever express to
10	Q What do you recognize this document to	10	you any -- let me withdraw that.
11	be?	11	You stated that you had discussed with
12	A It's arbitration case for Carlos and	12	Mr. Rivera the grievance that was filed,
13	Evelio about the seniority rights.	13	right -- correct?
14	Q How do you recognize it?	14	A Correct.
15	A I've read it before, and I was actually	15	Q What did you discuss?
16	at the arbitration case.	16	A We discussed, you know, why his -- you
17	Q You testified?	17	know why the situation was the way it was. He
18	A Yes.	18	had seniority rights, he was a front
19	Q What did you testify to at the	19	bartender, and he deserved -- you know,
20	arbitration?	20	working in the hotel so many years deserved to
21	A Just to confirm that Carlos and Evelio	21	be in the front bar position.
22	were front bartenders in the hotel.	22	Q Did you ever discuss with any
23	Q In 2005, where were the work schedules	23	supervisors Carlos's situation?
24	posted?	24	A Yes. I mentioned it to Anthony
25	A They would be posted in the room service	25	Evangelista, Carlos Buena, human resources